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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,410	12/12/2003	Shinji Takahashi	0505-1259P	9118
2292	7590	10/19/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SPISICH, GEORGE D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,410

Applicant(s)

TAKAHASHI, SHINJI

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 4, 2006 (RCE) and amdt of 7/5/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 11-13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 14-16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Prosecution Application

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2006 (which includes amendment to the claims filed July 5, 2006) has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,7,8,11,13,17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted Prior art shown in Figures 6 and 7

Applicant's Admitted Prior Art (AAPA) shows a steering shaft support structure for a vehicle for uneven ground operation in which front wheels and rear wheels are suspended from a body frame via a suspension and the front wheels can be steered with a handle via a steering shaft mounted rotatably on the body frame, the steering support structure includes a cross beam (116 and 114) being placed in spanning

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relation between left and right pipes composing the body frame and a steering shaft (111) being supported by the cross beam. The cross beam of AAPA is made up of elements 116 and 114 and therefore is considered to have "a first arcuate portion formed on a center portion thereof".

AAPA shows a front holder (113) with an arcuate portion formed at a central portion thereof. The method of forming the front holder, which is claimed as press/bend molding, has not been given patentable weight.

The first and second arcuate portions portions interlockingly support the steering shaft on the body frame in a rotatable manner.

There is a bushing (112) mounted on the cross beam for rotatably mounting the steering shaft relative to the cross beam.

The cross beam (as it is assembled with the arcuate clamping portion 114) includes an arcuate portion at a central portion thereof and flat portions at both ends thereof with a protruding wall formed to protrude rearwardly from the upper edge of the arcuate portion (as is inherent with the duplicate part of half 113).

The cross beam (116,114) further includes left and right front mount portions. These left and right front mount portions are formed at lower portions of "the flat portions" since at least a portion of the cross member (116 and 114) is flat and the mount portions mount the cross beam on the respective left and right pipes composing the body frame. These supports (101) (shown in Fig. 6) are "pipes" and are "L-shaped". The cross beam (shown in Fig. 6) is mounted (near the labeling of element 2) to upward facing surfaces of the left and right supports/pipes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,7,8,11,13,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted Prior Art (in Figures 6 and 7) in view of Tsujahara et al. (USPN 4,735,275).

AAPA (Figure 6 and 7) has been discussed in the prior rejection. Although Examiner insists that the claimed features are shown in AAPA Figure 6 and 7, Examiner is further rejecting these claims in view of Tsujahara et al.

Tsujahara et al. discloses a frame for a vehicle for "uneven ground operation" and discloses a cross member (7) that spans between left and right L-shaped support pipes and is mounted to upward facing surfaces of the left and right supports. This arrangement provides for a sturdy frame structure and mounting of the steering shaft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide mount the cross member of AAPA on upward facing surfaces of left and right L-shaped support pipes as taught by Tsujahara et al. to provide a sturdy vehicle frame and mounting of the steering shaft to the frame.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Tsujahara et al. as applied to claims 1.3.7.8.11.13.17 and 18 above, and further in view of JP09-207855.

Applicant's Admitted Prior Art (Figs. 6 and 7) in view of Tsujahara et al. has been discussed in the prior rejection. However, AAPA does not show a tank support portion on the cross beam. It appears that Tsujahara et al. may show a support extending rearward from the cross member (7) near the labeling of element 8 and having a vertical mounting hole and horizontal supporting surface that would likely support a fuel tank, but Examiner is not relying on this feature as the specification does not clearly disclose this feature is for supporting a fuel tank.

JP '855 discloses a cross beam for supporting a steering shaft and further having a tank support portion (102).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cross beam member portion (116) of AAPA in view of Tsujahara et al. so as to provide a tank supporting portion as taught by JP '855 so as to combine the steering shaft support and tank support and further enhance the supporting of other portions of the vehicle.

Allowable Subject Matter

Claims 4-6 are allowed.

Claims 9,10,14-16,19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed August 4, 2006 (included in amendment filed 7/5/06) have been fully considered but they are not persuasive.

With respect to the Applied references not showing left and right L-shapes pipes or the cross member being supported on upward facing surfaces of the pipes/supports, Examiner disagrees and maintains the rejection. AAPA shown these details broadly. Furthermore, to address Applicant's concern, Examiner has also made an additional rejection to address these new limitations in the amended claims. These elements are considered to be one in the same and can be considered to be spanning between and mounted to the supports/pipes.

The limitation that the cross member has an arcuate portion "formed thereon" has been addressed in the rejections and Examiner maintains that this limitation is met properly by the applied references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571)


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272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
October 14, 2006


10/14/06
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